

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NO. C-090635
	:	TRIAL NO. B-0903414
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
MICHAEL PETERSON,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Defendant-appellant Michael Peterson pleaded guilty to one count of domestic violence. At the plea hearing, the trial court conducted the required voluntariness colloquy, accepted the plea, and found Peterson guilty. The trial court then sentenced him to three years of community control on the condition that he enter and complete the River City drug program. Peterson now appeals.

In his sole assignment of error, Peterson argues that his guilty plea was not knowingly made because the trial court failed to strictly comply with Crim.R. 11(C)(2) when it failed to inform him, either directly or indirectly, that by entering a guilty plea he was waiving his constitutional rights (1) to a jury trial, (2) to confront witnesses, (3) to have compulsory process, and (4) to have the state prove his guilt beyond a reasonable doubt. The state argues, however, that Peterson's argument is belied by the record. We agree with the state.

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

Prior to accepting Peterson's plea, the trial court told Peterson the following: "When you enter a plea of guilty, sir, you give up your right to a jury trial. You also give up your right to a bench trial. A bench trial would entail this Court hearing the facts and evidence."

"In determining your guilt or innocence at a trial, the prosecutor would have to prove you guilty beyond a reasonable doubt of each and every element of the offense charged in your indictment. At a trial, your attorney could subpoena witnesses to testify on your behalf. He could also cross-examine any witnesses who w[ould] be called to testify against you, and you could not be forced or compelled to testify against yourself. Any appeal of your case must be filed within 30 days of your sentence; do you understand?"

Peterson then replied, "Yes, sir." When the trial court asked Peterson a second time if he understood his rights, Peterson again responded, "Yes sir." Because the record reveals that the trial court strictly complied with Crim.R.11(C)(2) when it accepted Peterson's guilty plea, we overrule his sole assignment of error and affirm the judgment of the trial court.²

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

SUNDERMANN, P.J., HENDON and DINKELACKER, JJ.

To the Clerk:

Enter upon the Journal of the Court on May 26, 2010

per order of the Court _____.
Presiding Judge

² *State v. Veney*, 120 Ohio St.3d 176, 2008-Ohio-5200, 897 N.E.2d 621, syllabus and at ¶129; see, also, *State v. Walker*, 1st Dist. Nos. C-070345, C-070346, C-070347, C-070348, and C-070349, 2008-Ohio-5629.